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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 WILLIAM TAYLOR SCOTT,

13 CASE NO. 13-CV-1189 W (DHB)

14 Plaintiff,

15 v.
16 ORDER (1) ADOPTING REPORT
17 AND RECOMMENDATION
18 [DOC. 20], (2) GRANTING
19 PLAINTIFF'S SUMMARY-
20 JUDGMENT MOTION [DOC. 14],
21 (3) DENYING DEFENDANT'S
22 SUMMARY-JUDGMENT MOTION
23 [DOC. 15], AND (4) REMANDING
24 CASE

25 CAROLYN W. COLVIN, Acting
26 Commissioner of the Social Security
27 Administration,

28 Defendant.

On May 20, 2013, Plaintiff William Taylor Scott filed this lawsuit seeking judicial review of the Social Security Commissioner's decision denying his claim for disability benefits. The matter was referred to the Honorable David H. Bartick, United States Magistrate Judge, for a report and recommendation under 28 U.S.C. § 636(b)(1)(B). Thereafter, the parties filed cross-motions for summary judgment.

On June 27, 2014, Judge Bartick issued a Report and Recommendation ("Report"), recommending that the Court grant Plaintiff's summary-judgment motion, deny Defendant's summary-judgment motion, and remand the case to the

1 Administrative Law Judge for further proceedings consistent with the Report. (See
 2 Report [Doc. 20], 30:3–6.) The Report also ordered any objections filed by July 28,
 3 2014. (*Id.* at 30:10–12.) To date, no objection has been filed, nor has there been a
 4 request for additional time in which to file an objection.

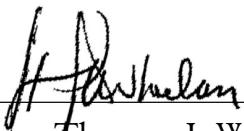
5 A district court's duties concerning a magistrate judge's report and
 6 recommendation and a respondent's objections thereto are set forth in Rule 72(b) of
 7 the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). When no objections
 8 are filed, the district court is not required to review the magistrate judge's report and
 9 recommendation. See United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir.
 10 2003) (holding that 28 U.S.C. 636(b)(1)(c) “makes it clear that the district judge must
 11 review the magistrate judge's findings and recommendations *de novo if objection is made,*
 12 *but not otherwise*”) (emphasis in original); Schmidt v. Johnstone, 263 F. Supp. 2d 1219,
 13 1226 (D. Arizona 2003) (concluding that where no objections were filed, the District
 14 Court had no obligation to review the magistrate judge's Report). This rule of law is
 15 well established within the Ninth Circuit and this district. See Wang v. Masaitis, 416
 16 F.3d 992, 1000 n. 13 (9th Cir. 2005) (“Of course, *de novo* review of a R & R is *only*
 17 required when an objection is made to the R & R.”) (emphasis added) (citing Reyna-
 18 Tapia, 328 F.3d 1121); Nelson v. Giurbino, 395 F. Supp. 2d 946, 949 (S.D. Cal. 2005)
 19 (Lorenz, J.) (adopted Report without review because neither party filed objections to
 20 the Report despite the opportunity to do so, “accordingly, the Court will adopt the
 21 Report and Recommendation in its entirety.”); see also Nichols v. Logan, 355 F. Supp.
 22 2d 1155, 1157 (S.D. Cal. 2004) (Benitez, J.).

23 The Court, therefore, accepts Judge Bartick's recommendation, and **ADOPTS**
 24 the Report [Doc. 20] in its entirety. For the reasons stated in the Report, which is
 25 incorporated herein by reference, the Court **GRANTS** Plaintiff's summary-judgment
 26 motion [Doc. 14], **DENIES** Defendant's summary-judgment motion [Doc. 15], and
 27 **REMANDS** the case to the Social Security Administration for further proceedings
 28

1 consistent with the Report. Upon remand, the district court clerk shall close the
2 district court case file.

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4 **IT IS SO ORDERED.**

5 DATED: August 1, 2014

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7 Hon. Thomas J. Whelan
United States District Judge

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